

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 460 of 2018**

Laxman Namdev S/o Chhedilal Namdev Aged About 37 Years R/o Village, Post And Police Station Bhatgaon, District Baloda Bazar, Chhattisgarh.

---- Petitioner

Versus

1. Smt.Priti Namdev W/o Laxman Namdev Aged About 33 Years R/o Bramhroad Nagar, Ambikapur, Police Station And Tahsil Ambikapur, District Surguja, Chhattisgarh.

2. Ku. Kinjal Namdev D/o Laxman Namdev Aged About 11 Years (Minor), Through Natural Guardian Mother Smt. Priti Namdev W/o Laxman Namdev, Aged About 33 Years, R/o Bramhroad Nagar, Ambikapur, Police Station And Tahsil Ambikapur, District Surguja, Chhattisgarh.

---- Respondents

For petitioner - Shri Sanjeev Verma, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order**

8/03/2018

Heard.

1. Instant petition is against the order dated 22/12/2017 passed in Criminal Revision No.42/2017 passed by the Additional Sessions Judge, FTC, Sarguja (Ambikapur). By such order the revisional court has affirmed the order dated 31/05/2017 passed by the JMFC, Ambikapur in Case No.1977/2016 whereby interim maintenance of Rs.3000/- was directed to be paid.
2. Learned counsel for the petitioner would submit that respondent No.1 is in illicit relation with one Tarachand Sawalakhe and his wife has given an affidavit to show that respondent is in illicit relation with husband of the person who has deposed. He submits that order of maintenance cannot be sustained.
3. Perusal of the order would show that it is not in dispute that non-applicant No.1 is the wife and non-applicant No.2 is the daughter. No reply

was filed by the petitioner to the application claiming interim maintenance. Order would show that atleast 6-7 dates were given to file reply to the application for claiming maintenance, however no reply was filed. Interim maintenance of Rs.10,000/- was prayed for, however the trial court has granted Rs.3000/- as interim maintenance. At this stage affidavit which is been referred by the petitioner cannot be looked into as it would appear that the petitioner himself has adopted not to file any reply to the interim maintenance application. Consequently, interim maintenance was ordered for. Petitioner shall be at liberty to lead all the evidence before the trial court to show that respondent No.1 wife is living life in adultery to dislodge the claim. At this stage, taking into quantum of the maintenance ordered for and further considering the price index which is prevailing in the society amount of Rs.3000/- cannot be said to be exorbitant maintenance.

4. Consequently, I am not inclined to interfere in the order. Petition has no merit and it is dismissed accordingly.

Sd/-

(Goutam Bhaduri)

JUDGE